

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CARL C. GILBERT, JR.,

Plaintiff,

v.

Case No. 08-CV-816

DANIEL G. MITCHELL,

Defendant.

ORDER

On October 31, 2008, this court issued an order informing plaintiff Carl C. Gilbert, Jr. ("Gilbert") that he is ineligible to file in forma pauperis and directing him to pay the full \$350.00 filing fee to proceed with his lawsuit. Gilbert previously accumulated three "strikes" under the Prison Litigation Reform Act (PLRA), rendering him ineligible for a reduced initial filing fee amount. The court's October 31, 2008 order further notified Gilbert that failure to pay the full \$350.00 filing fee within twenty days would result in dismissal of his suit without prior notice. To date, Gilbert has not paid the filing fee.

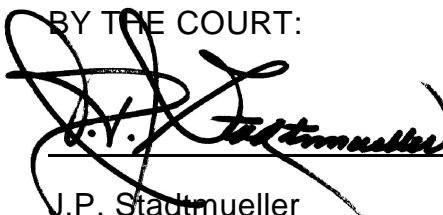
Accordingly,

IT IS ORDERED that Gilbert's action alleging violations of 42 U.S.C. § 1983 be and the same is hereby **DISMISSED** without prejudice.

The clerk of court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 4th day of December, 2008.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge